

FAX TRANSMITTAL

DATE: August 20, 1996

TO: Jannine Jennings
Tribal UST Coordinator
Yakama Indian Nation
P.O. Box 151
Toppenish, WA 98948

(509) 865-5121, ext. 658

FROM: Katherine Holt
UST/LUST Program
EPA - R10
1200 Sixth Avenue
Seattle, WA 98101

(206) 553-2580

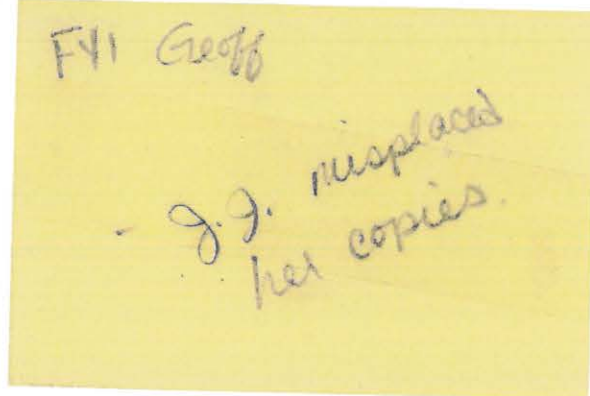
SUBJECT: Eagle Stop & Save, #4-260115

I found three letters that Geoff sent out since May 22, 1995 (5/22/95 - 2 pgs; 12/13/95 - 3 pgs; and 1/19/96 - 2 pgs). If there's anything else I can do for you while Geoff's out, give me a call!

Take Care!

Katie

Katie



8/28/96 Call to Jannine:

Tribe legal staff looking into "other" potential problems w/ Eagle & they asked J² for any UST/LUST details about the facility.

J

PAGES 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply to
Attn of: WD-133

May 22, 1995

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dustin Ramsey, Vice President
Eagle Stop & Save, Inc.
402 E. Yakima Ave., Suite 510
Yakima, Washington 98901

Re: NOTICE OF VIOLATION
Underground Storage Tank (UST) Facility (#4-260115)
Yakama Indian Reservation, Washington

Mr. Ramsey:

This letter is a followup to my inspection of the subject UST facility on April 20, 1995. At this inspection, Marilyn Lowery and Cecil Compo of your organization were present and were very helpful.

The more pertinent observations from this inspection are as follows:

- ▶ The monthly leak detection method used for the USTs is an automatic tank gauge (ATG). From a review of the ATG records, it appears that release detection testing was satisfied for October 1994 and for the period of January through April 1995; but that the ATG system was inoperable during November through December 1994. (Records for this and similar monthly piping leak detection must be retained for the past 12 months. If operation problems occur in any of the leak detection equipment, repairs of such systems must be made in a timely manner.)
- ▶ The USTs were "Sti-P3" tanks, and their corrosion protection systems had been tested in December 4, 1994 with successful results. (The required testing of the cathodic protection must be done within three years of the last test date.)
- ▶ The release detection system for the pressurized underground piping appears to be the use of double-walled piping with interstitial monitoring; however, it was not known how monthly interstitial checks were made and recorded, if at all.
- ▶ The required use of automatic line leak detectors was also noted; however, an annual test of operation of these units did not appear to have been done.
- ▶ No proof of financial responsibility for operation of the UST systems was available. It was not known whether these records are just located elsewhere, or if such a mechanism does not exist. (The common mechanism used to satisfy this requirement is an insurance policy.)

Given the above, Eagle Stop & Save, Inc. is hereby directed to bring the subject facility into compliance with the appropriate federal regulations (Title 40 C.F.R. Part 280) for the three UST systems not

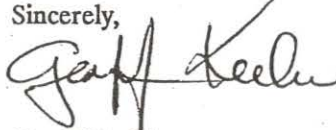
later than July 15, 1995. As evidence of compliance, please submit to me the following documentation not later than July 31, 1995:

1. Copies of the ATG leak detection testing records for the months of May through July 1995. The minimum requirement is a single successful tank tightness test per tank per month (reference 40 CFR §280.41 (a)).
2. Certification by a qualified installer/tester, of the equipment (if any), and procedures used for the required monthly interstitial monitoring (reference 40 CFR §280.41 (b)).
3. Certification by a qualified tester of the successful testing of the facility's three automatic line leak detector units (reference 40 CFR §280.44 (a)).
4. A copy of the financial responsibility mechanism used for this facility (reference 40 CFR §280 Subpart H).

No penalty or fine is being assessed at this time; however, failure to comply with the above requirements may result in formal enforcement proceedings initiated by the EPA. Penalties in such cases can be as high as \$10,000 per day of non-compliance.

If you have any questions, please do not hesitate to contact me at (206) 553-1089, or at (800) 424-4372, ext. 1089. Some EPA literature on approved release detection systems ("Musts for USTs") was given to Ms. Lowery at the inspection; and a copy of the federal regulations regarding leak detection, a brochure entitled "Dollars and Sense," and a flyer on Washington state's re-insurance program are also enclosed for your reference.

Sincerely,



Geoff Keeler
Compliance Officer

Enclosures (2)

cc: Jannine Jennings, Environmental Protection Program, Yakama Indian Nation
Marilyn Lowery, Manager, Eagle Stop & Save, Inc., Wapato



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

December 13, 1995

Reply to
Attn of: WD-133

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Dustin Ramsey, Vice President
Eagle Stop & Save, Inc.
402 E. Yakima Ave., Suite 510
Yakima, Washington 98901

Re: **Compliance Status**
NOTICE OF VIOLATION (NOV)
Underground Storage Tank (UST) Facility (#4-260115)
Yakama Indian Reservation, Washington

Mr. Ramsey:

This letter is to inform you of the UST compliance status of your facility subsequent to three sets of documents being submitted to EPA, pursuant to the original EPA NOV letter dated May 22, 1995. This letter will also serve to inform you of further compliance requirements at this time.

The three submittals from Eagle Stop and Save, Inc. are as follows:

- ▶ Received September 18, 1995: A copy of a July 13, 1995, letter from Northwest Tank and Environmental Services (Mukilteo, Wash.) that explains the nature of the tank and piping leak detection equipment and test scheduling. The letter also reports the successful, albeit undated, testing of the facility's three automatic line leak detector units. Other literature was also included that showed successful monthly automatic tank gauge (ATG) tests for each of the three tanks, for the months of February, March, and April (18th) 1995.
- ▶ Received October 19, 1995: A facsimile from Conover Insurance Co. stating that a certificate of insurance, presumably demonstrating compliance with federal UST requirements for financial responsibility, would be forthcoming.
- ▶ Received November 16, 1995: Copies of ATG tests results for each of the tanks for the months of April - July 1995.

The first set of submittals above were responsive to most of items #1 - 3 in the original May 22, 1995, NOV letter. The third submittal above completed item #1's requirement for the desired information. To date, item #4 regarding financial responsibility is still not met. **In addition, please note that the original submittal deadline for items #1-4 to EPA was July 31, 1995.** Obviously, this deadline has been significantly exceeded.

The third set of submittals above, however, has raised the issue of UST #1 at this facility possibly releasing product to the environment. Referring to the copies of the ATG computer printouts, it seems that the tests for May 16, 1995 and for July 18, 1995, plainly state "leak detected," and that the test conducted April 25, 1995, reports "inflow detected." The ATG tests for all three USTs for June 1995 were not properly concluded. Without definitive clarifying information, e.g. a recent tightness test, it is therefore EPA's position that evidence strongly indicates UST #1 has leaked an unknown amount of gasoline.

Please be aware that EPA, as the implementing agency for federal UST regulation on all "Indian lands," such as the Yakama Indian Reservation, must be informed of any test results that indicate leaks from the tank and/or the piping within 24 hours. This is according to federal regulation Title 40 CFR Part 280 Subpart E, "Release Reporting, Investigation, and Confirmation". The only exception to this for a facility using an ATG leak detection method, is if the unit "...is found to be defective, and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result..." (40 CFR §280.50 (c) (1)). If this is not done, the owner "...must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under §280.50 within 7 days [emphasis added]..." (40 CFR §280.52).

Therefore, Eagle Stop and Save, Inc. is hereby directed to bring its Wapato UST facility into compliance with federal UST regulations according to the following revised schedule:

1. By December 29, 1995, submit to this EPA office, copies of at least one ATG test printout for each of the three tanks for each of the months August - December 1995. These ATG printout copies shall state conclusively the test results, either pass or fail. More than one test result each can be submitted for each tank for each month, at your option.
2. If the ATG for tank #1 has been investigated, found defective, and repaired or replaced at any time since July 1995 until present, submit complete documentation of these activities to this EPA office not later than January 9, 1996. This is in addition to requirement #1 above.
3. In absence of a documented defective and repaired or replaced ATG for tank #1, submit to this EPA office not

later than January 9, 1996, the results (regardless of pass or fail) of a tank tightness test performed on tank #1 after December 1, 1995, in accordance with 40 CFR §280.52 (a). If this test does not pass, proceed with investigation and confirmation activities in accordance with the balance of 40 CFR Part 280, Subpart E and report the findings to this EPA office. If a product release to the environment is confirmed, you should proceed with cleanup work according to Subpart F, as necessary. For this work, EPA Region 10 requires that cleanup and remediation must meet the technical standards established by Washington's Department of Ecology.

4. By December 29, 1995, submit to this EPA office, evidence of compliance with financial responsibility requirements for this facility (40 CFR Part 280, Subpart H).

In light of EPA's effort to work as partners in environmental stewardship, no civil penalty is being assessed at this time; however, failure to comply with the above requirements may result in formal enforcement proceedings initiated by the EPA. Penalties in such cases can be as high as \$10,000 per day for each tank in non-compliance. The nature of the above violations are considered serious.

If you have any questions, please do not hesitate to contact me at (206) 553-1089, or at (800) 424-4372, ext. 1089. I look forward to full UST compliance at your Wapato UST facility, in strict accordance with the above requirements and schedules. A copy of the federal UST regulations was transmitted to you in the original NOV letter; however, a second set is enclosed for your reference.

Sincerely,



Geoff Keeler
Compliance Officer

Enclosure

cc: Jannine Jennings, Environmental Protection Program, Yakama
Indian Nation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, Washington 98101

January 19, 1996

Dustin Ramsey, Vice President
Eagle Stop & Save, Inc.
402 E. Yakima Avenue, Suite 510
Yakima, Washington 98901

Re: Compliance Status, Notice of Violation
UST Facility #4-260115
Yakama Indian Reservation, Washington

Mr. Ramsey:

This letter is to document our recent phone conversations concerning completion of the subject NOV compliance work. Items of discussion were as follows:

- ▶ The second compliance submittal was received by EPA on January 8, 1996, and the proof of financial responsibility and the automatic tank gauge (ATG) test results for August - December 1995 appear acceptable.
- ▶ Results for the tank tightness test (T3), also submitted at that time, appear to have been for UST #2, not UST #1 as was required. After speaking to the tester, Bill Talbott (K.T.C.-Kennedy Testing Co.; phone 509/758-0679) I confirmed that the center tank was tested at someone's direction, and it is almost certain this was not the "Tank 1" identified in Eagle's ATG records and in subsequent EPA correspondence.
- ▶ You continue to strongly believe that procedural errors in the ATG testing are to blame for the problem ATG results for UST #1 taken in April, May, and July of 1995.

Based on the above, we agreed upon the following course of action to verify the integrity of UST #1 and to complete the Notice of Violation requirements.

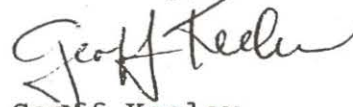
1. In lieu of repeating the attempt to have a tank tightness test performed for UST #1, you will have a professional service worker examine and test the UST ATG unit #1 for correct calibration and otherwise accurate operation. The person(s) will be well-qualified to perform this work. If the unit is malfunctioning, it will be either repaired or replaced. At the conclusion of this work, a detailed report will be submitted and forwarded to this EPA office for review.
2. You will submit to this EPA office, a drawing that specifically identifies each UST at your Wapato facility,

with the numbers 1, 2, or 3 that correspond to the ATG records submitted to date. (While it is assumed that the UST closest to the building is probably #1, this may not be the case. It would be wise to have these numbers verified in conjunction with the planned ATG work as described above.)

3. You will contact me shortly to propose a possible completion schedule for this work, based on availability of an ATG servicing specialist.

If you have any questions or comments, please contact me at (206) 553-1089, or toll-free at (800) 424-4372, extension 1089. I look forward to hearing from you soon.

Sincerely,



Geoff Keeler
Compliance Officer

cc: Jannine Jennings, Environmental Protection Program, Yakama
Indian Nation